

**MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
GENERAL FORM OF AFFIDAVIT
FORM 2**

Registry: Phone: Fax:	Case number:
Claimant	
Defendant	

I (name) of (address), (occupation) having been duly sworn say on oath the following:

1. I am the applicant tenant in this matter.
2. I swear this affidavit in support of my application for suspension and abridgement of the three working days' notice ordinarily required for the other party in a suspension application.

Background

- Nature of tenancy, landlord (Housing Authority)
- Length of time in tenancy, occupants of property – include ages of any children and other dependants

Details of past court hearing(s)

- When the application was made, when tenant had notice of the hearing (if at all)
- What the application was made in relation to
- What orders were sought in that application
- What happened in the actual court hearing(s) if tenant was present
- If the tenant arrived late: what time they arrived, who they spoke to (orderlies, duty lawyers, other court staff)
- What orders were made, when the matter was set down for

If the tenant was not present at past court hearing(s) – reasons for this

- Tenant tried to contact the court as was unable to attend/running late
- Tenant did not receive notice of the hearing until it was too late, or not at all

Signature of person making this affidavit (deponent)	Signature of witness
	Date

- Tenant arrived after the matter had been called

Special circumstances

- Suspension is necessary to preserve the subject matter

“A solicitor at Tenancy WA has told me, and I verily believe, that a suspension is necessary to preserve the subject matter of the application, and that if I am evicted in accordance with a valid court order for termination, the court has no way of undoing this. For this reason, it is vital that a suspension order is granted to prevent this from happening until the appeal application can be dealt with.”
- Set out facts about merits of substantive case – why the breach does not justify termination in the circumstances:
 - **What tenant has done to remedy the situation**
 - Cleaned property/made repairs
 - Made some payment towards rent arrears/ability to offer a payment plan
 - Sought/received assistance from a support service (mental health, DCP, Daydawn etc.)
 - **Risks if the matter is not suspended**
 - Children living the property – schools, community, issues with DCP if evicted
 - Income problems – Centrelink status
 - Difficulty securing private accommodation (if in public housing currently)
 - Risk of homelessness
 - Attach letters if possible
- Balance of convenience lies in favour of the tenant
 - Tenant has ability to continue paying rent under the agreement
 - Landlord will not suffer hardship as a result of not being able to enforce the termination

Signature of person making this affidavit (deponent)	Signature of witness
	Date

SWORN

At

This day of 20 in the presence of:

.....
Registrar/Justice of the Peace/other authorised witness

.....
Deponent

Each page is to be dated and signed by the person making the affidavit and the witness.

Tick [✓] appropriate box

Lodged by	<input type="checkbox"/> Claimant or claimant's lawyer <input type="checkbox"/> Defendant or defendant's lawyer <input type="checkbox"/> Other			
Address for service				
Contact details	Telephone:	Lawyer's ref:	Fax:	E mail:

Signature of person making this affidavit (deponent)	Signature of witness
	Date